

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fracek, Jr. et al.

§ EXAMINER: SCHIFFMAN,
J

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FOR: Web Linked Database for Tracking Clinical
Activities and Competencies and Evaluation of Program
Resources and Program Outcomes

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EL 990 554 053 US Number	CERTIFICATE OF MAIL BY EXPRESS MAIL	March 2, 2004 Date of Deposit
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Assistant Commissioner of Patents		March 2, 2004 Date of Signature
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RULE 131 DECLARATION OF DR. JON O. NILSESTUEN

My name is Dr. Jon O. Nilsestuen and I am over 18 years of age and am a named inventor on this application. I am submitting this declaration to provide the Examiner with evidence of the tremendous commercial success of this product since its initial beta test period between September 2000 and September 2001.

I declare as follows:

We began to develop a web-based student clinical tracking, surveying and accreditation program in the spring of 1999. We disclosed it the University of Texas Medical Branch later that year and a provisional patent application serial no. 60/169,175 was filed on 6 December 1999 and upgraded to this application the following year.

We began beta testing of the product in September of 2000 completing beta testing in September of 2001. See attachment A. During the period from September 2001 and September 2002, we executed 23 license agreements with educational institutions and began to track 347 students as they progressed through their curriculum. As of January 2004, we have executed 54 license agreements with educational institutions and our product is being used to track 1815 students at the 54 sites. See Attachment B.

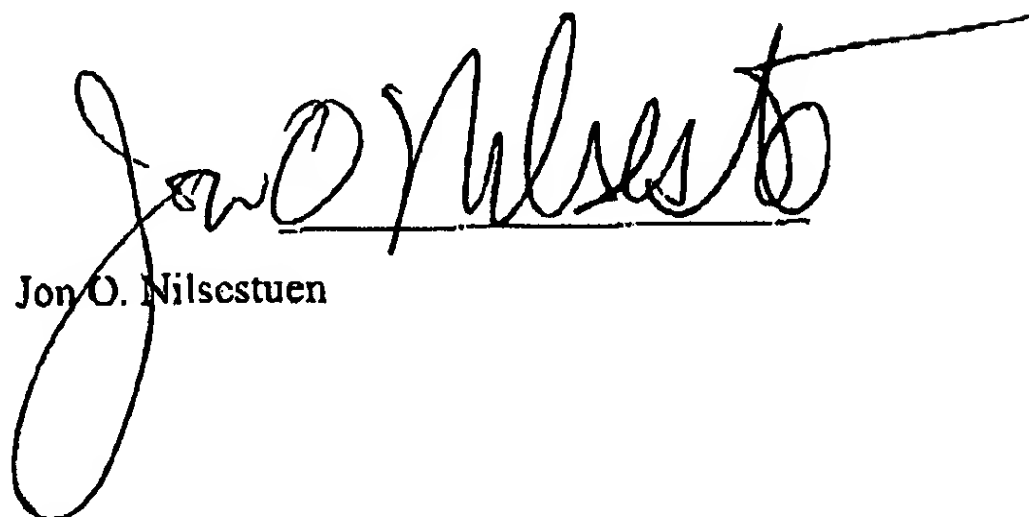
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Our product has become the dominant program for tracking the effectiveness of clinical programs, student program completion, student and facility surveys and supplying information to accreditation organizations. In a little over 2 years, our product has grown from a 10 site beta testing format to a 54 institution, 1815 student commercially successful product. Our products commercial success continues and we expect significant growth in the future. We also show a steady growth in server visits to our web-site, indirect evidence of increased commercial notoriety and acceptance.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

Date: March 1, 2004



Jon O. Nilsestuen

DataArc Marketing Summary and DataArc History

DataArc Marketing Summary:

October 2000: We began implementing the system on a National basis with 10 beta test sites distributed across each of the four time zones in the United States.

September 2002: Twenty Three educational Institutions had signed license agreements to use the system (23 Institutions and 347 students)

Jan 2004 Fifty Four Educational Institutions have signed License agreements to use our systems (54 Institutions and 1815 students and 1002 clinical faculty)

DataArc History:

Feb 1998: Our internet tracking system started in 1998 following the implementation of a File Maker Pro Database system on our web site to collect data regarding student inquiries into the Respiratory Care Profession. After testing the entry and reporting capabilities we then began exploring other potential applications using the internet link to the Database.

The initial system was used for recording student clinical activities using a daily log system and a time clock system for tracking students entry and exit from the clinical site.

Spring 1999: Additional features were added including a Competency evaluation system and the Automated CoARC outcomes survey system. By this time the Accrediting Board was aware of our system and how we were using it to collect outcomes survey data for reporting information to the Board.

July 20th, 1999 we disclosed the system to the University

August of 1999 we were awarded the Fred Helmholtz Education Award (selected by the Accrediting Board for Respiratory Care) and we presented the system at the Respiratory Care National professional Meeting (Held in Tucson Arizona)

Fall 2000: We began implementing the system on a National basis with 10 beta test sites distributed across each of the four time zones in the United States.

Oct 2000 First marketing booth at AARC National Convention in Cincinnati Ohio.

Invited Presentations:

03/2001 *Workshop: Northeastern University –Boston Mass. –Clinical Preceptor Workshop: Workshop Title: “Use of an Internet Database System to Track Student Procedures and Evaluate Clinical Competencies”*

03/2001 *Texas Distance Learning Association Annual Conference 2001: A Learning Odyssey: Presentation Title: "Using Internet Relational Databases to Track Program Outcomes and Student Progress"*

07/2001 *Site Visitor Retraining Workshop –Part of AARC Summer Forum –Naples Florida*

10/2001 *NN2-National Network of Health Career Programs in Two Year Colleges. Norfolk Virginia–Invited Speaker-"Documenting Clinical Competence Using an Internet Database System"*

10/2002 *NN2-National Network of Health Career Programs in Two Year Colleges. Tempe Arizona: Invited Speaker-"Documenting Clinical Competence Using an Internet Database System"*

07/2003 *AARC Summer Forum –Orlando Florida –invited speaker: "Computerized Education Applications Including Wireless Data Entry and Desktop Reporting"*

March 2002 DataArc LLC signed a marketing agreement with the CoARC Educational Services Corp.

As information spread we began to receive requests for development of similar systems for other professions.

September 2002 DataArc LLC launched Internet database tracking systems for seven of the Radiologic Health Science Programs including: Computed Tomography, Mammography, Magnetic Resonance Imaging, Nuclear Medicine, Radiography, Radiation Therapy, and Sonography.

Grants

03/03 Principle: Jon Nilsestuen PhD, RRT; Awarded \$5,087.00 Grant from: Health Education Training Centers Alliance for Texas. Phase-II –Programming Phase: Internet Based Clinical Tracking System for Nurse Practitioner and Nurse Midwifery Students

07/02 Co-Principle: Jon Nilsestuen PhD, RRT; Christine Boodley RC, PhD. Awarded \$4,619.00 Grant from -Health Education Training Centers Alliance for Texas. Design Internet Based Clinical Tracking System for Nurse Practitioner and Nurse Midwifery Students.

From Nov of 2002 to September of 2003 we implemented a programming redesign to transfer the data bases from the original Filemaker Pro System to the current industrial database standard –an SQL database.

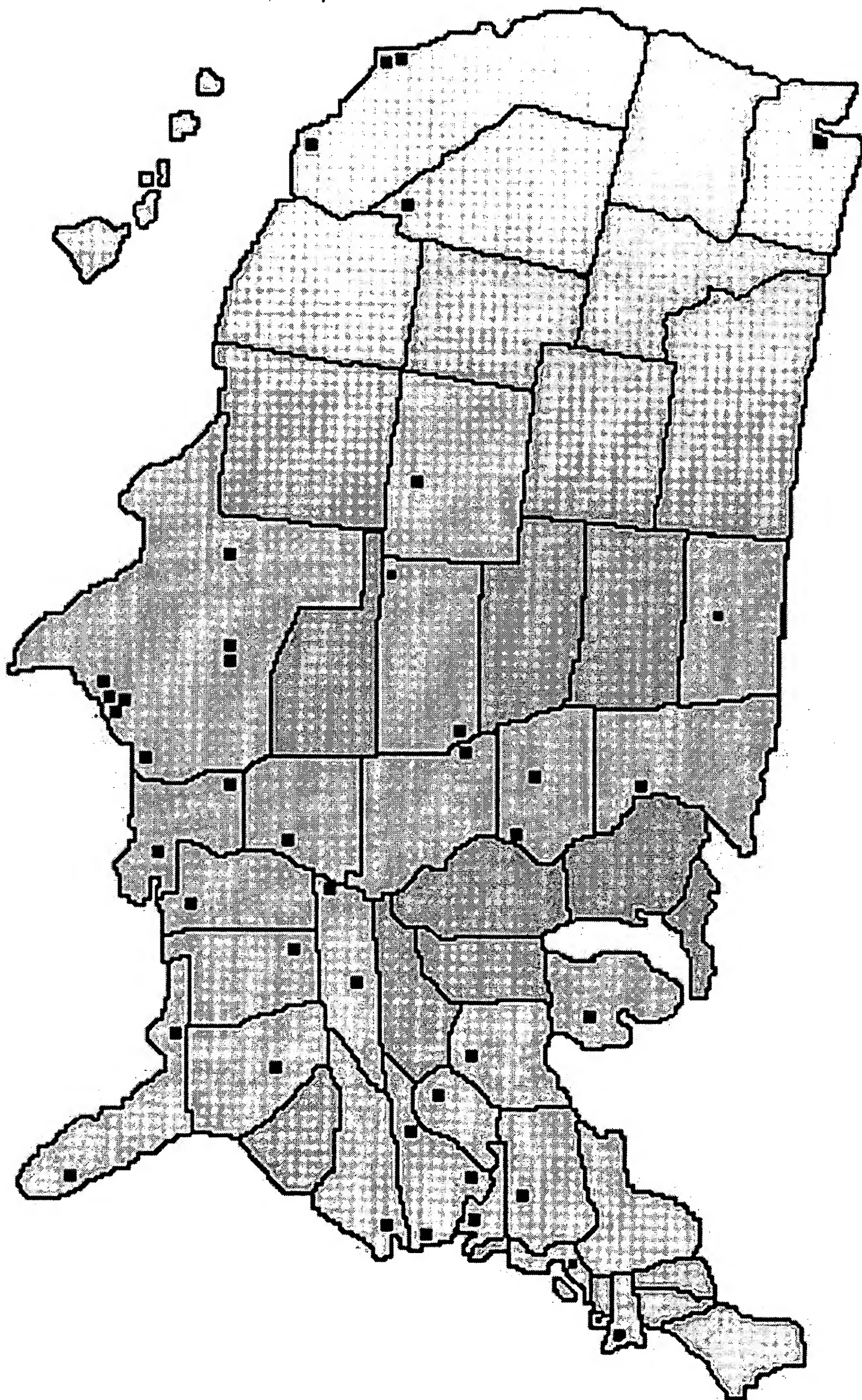
In October of 2003 this new SQL database system was implemented on a new standalone server owned by DataArc LLC and managed by Flagship hosting in Atlanta Georgia.

October of 2003 DataArc LLC Contracted with Pen Computer Solutions to program the Pocket PC version of the software. The system allows data entry at the bedside and data

upload capability once the PC device is connected to the internet through the desktop cradle.

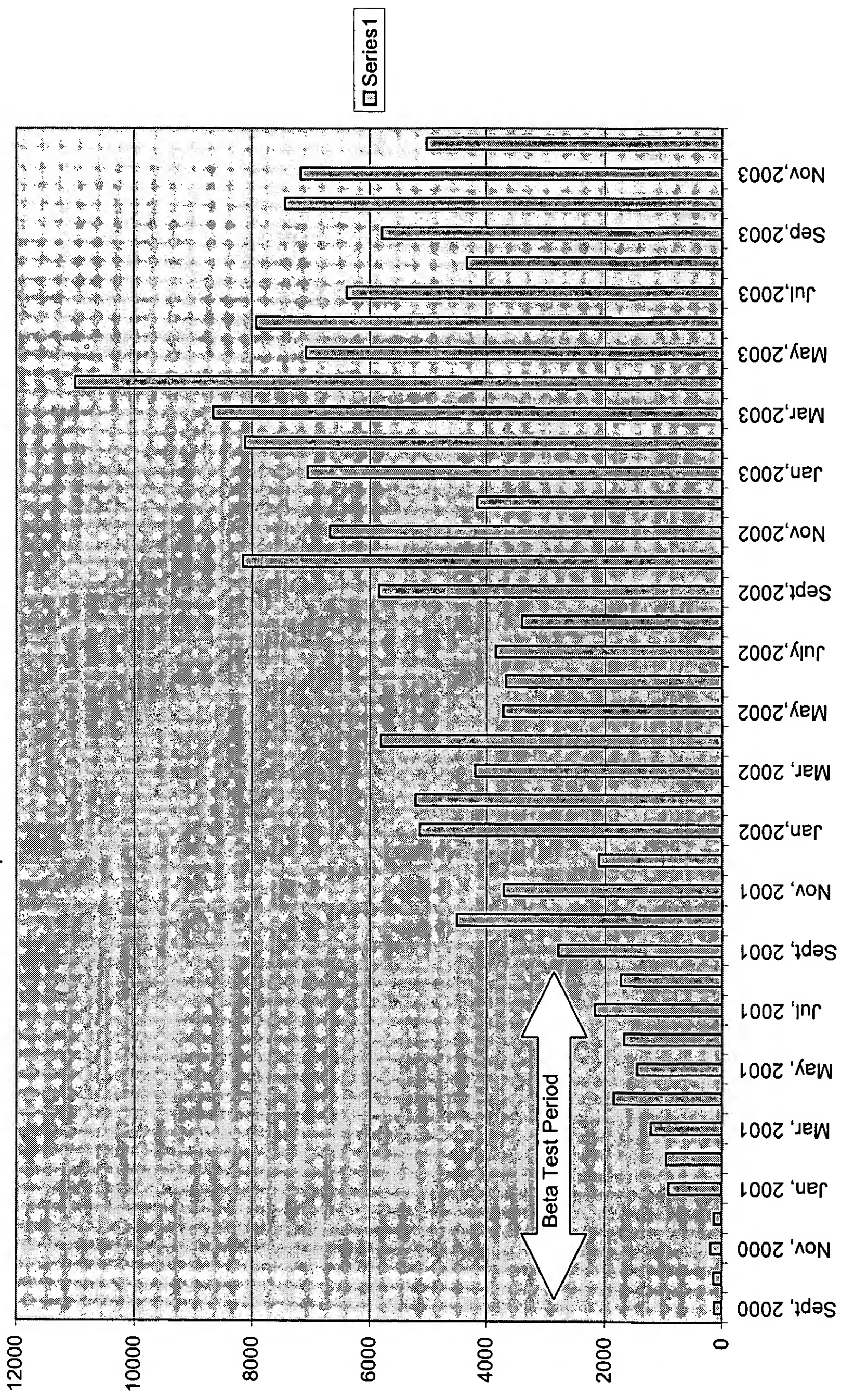
Dec 2003 DataArc LLC launched the Pocket PC version at the AARC National Convention in Las Vegas.

Jan 2004 DataArc LLC completed negotiations with California College to begin using the system for their distance education program. California College has the largest enrollment of Respiratory Care distance students in the Country.



DataArc Number of Server Visits

September 2000 to December 2003



DataArc Testimonials				
Last	First Name	Institution	Date	Comment
Delorme	Bob	Gwinnett Technical College	10/7/2003	I got faith in you! I don't want to go back to the "old" way so you take all the time you need to get it right.
				I know you are having a very rough time. Hang in there for we know you will get it fixed in a timely manner!
Rogers	Jackie	Palm Beach Community College	7/24/2001	Your presentation was time well spent. Both Tom and I discussed your product with our Dean (also an RRT) and we are excited. As soon as I return to duty, I will be in touch with purchase information.
Rogers	Jackie	Palm Beach Community College	8/28/2001	We are excited to use your program and thanks for waiving the initial yearly fee. This is a wonderful opportunity. I have been talking about this since I returned from Naples telling our Radiography and Paramedic directors. Are there programs for their disciplines too? I am sure once we demonstrate the program to our Business Partnership Council (Advisory Board) they will see the benefits too. I have reserved a computer class room to demonstrate the website to them at the meeting. Seeing is believing. I'll keep in touch.
	Kerry	Des Moines Area Community College	8/14/2003	Could you please contact Bill Gates and Microsoft and explain to him what the concept of customer service is all about. Thanks again. Everytime I talk with you about something that would be nice to see with the DataArc system, it happens. You are the most repsonsive persons selling and supporting software I have ever encountered. I really appreciate your listening to what customers are asking for and providing solutions to the limintations that affect us with the system.
George	Kerry	Des Moines Area Community College	10/7/2003	Thanks for all your work and the communication to keep us infomred of the progress with servers and hosting of DataArc. I can not imagine the dificulty of dealing with all this and keeeping up with your "full-time" (as if this hasn't been full-time) job. I understand the problems with interruptions to availability and we will continue to be patient will help you in any way you need to get all the problems resolved. If there is any way you need someone to test the server and the service, let me know and I will be happy to help any way I can.
George	Kerry	Des Moines Area Community College	10/15/2003	Thanks again for the continuing updates and for all your time and energy to work to resolve the challenges of being a pioneer. I appreciate that you are doing something new and very innovative and understand the risks and challenges inherent in this venture. Keep up the gook work!
Rye	Kathy	University of Arkansas for Medical Sciences	8/6/2003	As we discussed UAMS does intend to continue usage of DataArc for clinical records. We anticipate enrolling 16 new studnents ASAP after registration on August 21.
Steinert	Don	Univerisity of the District of Columbia	4/8/2002	The students are enjoying the system!!

Seibold-Phala Lorenda	Grossmont Cuyamaca Community College	6/18/2003	I did have a demonstration earlier this year with the DataArc system. My faculty recommended using the survey portion of the program this year, and then, next year using the clinical competency portion which is \$50 per student. I put in a purchase the beginning of May and my administration wanted to know more about how the program works and how it would interface with our network system. I am trying to get them to understand that all I want to use the program for is to do the accreditation surveys. Someone from my school talked with a representative from DataArc and was given the information that we had to purchase the whole system including the student portion. I am relieved to hear again, from you, that we can just purchase the survey portion. That was my original understanding when I talked to you some months ago. I hope to have this cleared up by the time I have to do the surveys!!
Kofoet	Hagerstown Community College	12/4/2003	I hope all is well with you. I have a couple of questions concerning DataArc that I have gotten from our clinical instructors. Can totals be added to the number of cases students complete in a day/week/semester? Also can attendance time be totaled for the semester? Can more lines be added to for comments/final grade? Some of the CIs are running our of space and the grade is not being recorded. We are getting more proficient at using the system and everyone seems pretty happy. We are starting a CT and MRI program and want to use it for those students as well. I think Dawn Dingle or Cheryl Scrivenener may have gotten in touch with you. Hope you have a good day.
Boone	University of Arkansas for Medical Sciences	11/18/2003	We are really interested in the Pocket RC, however, so please forward any information you have to me or Kathy Rye.
DataArc Testimonials (published)			
Rye	University of Arkansas for Medical Sciences	2/7/2002	The DataArc system does away with all of our students paperwork; the system is more organized; and the program doesn't have to keep such large clinical files for each student. Because all of the DataArc documentation is available any time on the Internet, the program no longer has to keep 2 years of paperwork per student. We like the clinical proficiencies because they are tied to the Clinical Practice Guidelines - this facilitates the students actually following the steps outlined by the CPG's.
Hiser	Tarrant County Community College District	8/27/2001	The graduate survey increased from 56% to 70%.
Sinopoli	El Camino Community College	8/28/2001	The DataArc system organizes all competencies, accreditation surveys, and attendance, etc.; allows access by all faculty from any location to monitor student progress and attendance.